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Welsh & Katz, LTD  
120 S Riverside Plaza  
22<sup>nd</sup> Floor  
Chicago, IL 60606

DEC 06 2004

DIRECTOR'S OFFICE  
TECHNOLOGY CENTER 3600

In re Application of:  
Rick Korczak et al : DECISION ON PETITION  
Serial No. 09/863,718 : TO MAKE SPECIAL  
Filed: May 23, 2001 : (INFRINGEMENT)  
For: STACKABLE TRANSMISSION  
LINE HANGER : :

This is a decision on the petition under 37 C.F.R § 1.102(d) filed August 27, 2004 to make the above-identified application special.

The petition requests that the above-identified application be made special under the procedure set forth in M.P.E.P. § 708.02, item II: Infringement.

MPEP 708.02 states that a Petition to Make Special based on Infringement must have the following: (1) the appropriate petition fee under 37 CFR 1.17(i); (2) a statement by the assignee, applicant, or attorney alleging: (A) that there is an infringing device or product actually on the market; (B) that a rigid comparison of the alleged infringing device or product with the claims of the application has been made, and that, in his or her opinion, some of the claims are unquestionably infringed; and (C) that he or she has made a careful and thorough search of the prior art, or has good knowledge of the prior art, and has sent a copy of the references deemed most closely related to the subject matter encompassed by the claims.

The petition filed August 27, 2004 includes all of the requirements above and, therefore, the petition is **GRANTED**.

The examiner is directed (1) to make an interference search for possible interfering applications; (2) to promptly examine this application out of turn; and (3) if any interfering application is discovered, to examine such application simultaneously and state in the first official letter of such application that it is being taken out of turn because of a possible interference.

Petitioner is advised that this application will continue to be special, throughout its entire prosecution and pendency, including interference and appeal, if any, only if petitioner makes a prompt *bona fide* effort, in response to each Office action, to place the application in condition for allowance, even if it is necessary to conduct an interview with the examiner to accomplish this purpose.



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Kenneth J. Dorner  
Special Programs Examiner  
Technology Center 3600  
(703) 308-0866

kjd:12/2/04